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09/485,225 02/23/00 JOUBERT

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EXAMINER

PM82/0319

POLLOCK VANDE SANDE & PRIDDY
PO BOX 19088
WASHINGTON DC 20036-3425

RODRIGUEZ, R
ART UNIT

PAPER NUMBER

3626
DATE MAILED:

03/19/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/485,225

Applicant(s)

JOUBERT ET AL.

Examiner

Ruth C Rodriguez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2001 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

Specification

1. The applicant did not arrange the contents of the application in accordance with the suggested guidelines. The following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

The following order or arrangement is preferred in framing the specification and, except for the reference to "Microfiche Appendix" and the drawings, each of the lettered items should appear in upper case, without underlining or bold type, as section headings. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) Title of the Invention.
- (b) Cross-References to Related Applications.
- (c) Statement Regarding Federally Sponsored Research or Development.
- (d) Reference to a "Microfiche Appendix" (see 37 CFR 1.96).
- (e) Background of the Invention.
 - 1. Field of the Invention.
 - 2. Description of the Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) Brief Summary of the Invention.
- (g) Brief Description of the Several Views of the Drawing(s).
- (h) Detailed Description of the Invention.
- (i) Claim or Claims (commencing on a separate sheet).
- (j) Abstract of the Disclosure (commencing on a separate sheet).
- (k) Drawings.
- (l) Sequence Listing (see 37 CFR 1.821-1.825).

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 9. Correction is required.

3. The drawings are also objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

C. Correction is required.

4. The drawings are objected to because:

a. The reference character "B" is named as "a block" in the second line of page 3, as "handle block" in line 9 of the fourth page and as "molded block" in line 20 of page 4. Please specify the correct name for this element.

b. Replace reference character "9" with "a" located next to reference character "4a" at the bottom part of Figure 2.

c. The identification of the shank with the reference character "2" (Figure 2 and 6) and of the ring with character "3" correspond to the description provided in the specification. In figures 1 and 4, replace the reference character "2" with "3" since the element being identified is the ring and replace the reference character "3" with "2" because the element being identified is the shank.

Correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claim 1 recites the limitations "the hand", "the end", "the vicinity" and "said stop abutment" in lines 3, 4, 6 and 12 of the claim. There is insufficient antecedent basis for this limitation in the claim. Also, the phrase "which is enlarged after it" in line 7 of the claim renders the claim indefinite because it does not specifically point out what element is being enlarged.

b. Claim 2 recites the limitations "the plane" in line 5 of the claim. There is insufficient antecedent basis for this limitation in the claim. Also, the claim makes reference to "(Figure 1)" in the third line of the claim. The reference to the figure renders the claim indefinite because it is unclear whether the applicant wants to claim the figure as part of the subject matter, or if the applicant is just making reference to the figure.

c. Claim 3 recites the limitations "said annular insert", "the top" and "the curve" in lines 1-3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

d. Claim 4 recites the limitation "the reinforcement wire" in lines 1-2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

e. Claim 5 recites the limitations "the non-enlarged end", "the enlarged end", "the curve", "the J-shape" and "the junction" in lines 3, 5, 6 and 7-8 of the claim. There is insufficient antecedent basis for this limitation in the claim.

f. Claim 6 recites the limitations "the inlet edge" in line 1 of the claim. There is insufficient antecedent basis for this limitation in the claim.

g. Claim 7 recites the limitations "the annular insert" in lines 1-2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

h. Claim 8 is rejected as being indefinite since it depends on indefinite claim 1 rejected above.

i. Claim 9 recites the limitations "the free end" and "the inside" in lines 3 and 4 of the claim. There is insufficient antecedent basis for this limitation in the claim.

j. Claim 10 recites the limitations "the free end" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

k. Claim 11 recites the limitations "the folded-back and crimped end" in lines 5 and 7-8 of the claim. There is insufficient antecedent basis for this limitation in the claim. The phrases "whose end" in line 2 and "to extract it" in line 7 render the claim indefinite because both phrases fail to directly point out a specific element.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Tracy (USPN 4,559,677).

A hook (10) comprising an end block of synthetic material (24) shaped to make the hook easier to hold in a hand (Figure 1); the end block having a passage (Figure 2), the passage slidably receiving an end of a cable (12) to be fixed to the hook, the

passage having a taper which defines an abutment for stopping the end of the cable, the end of the cable is enlarged after it has passed through the passage and when traction is exerted on the cable tending to extract it from the passage; and the hook being characterized in that an annular metal insert (22) is embedded in the block around said passage in the vicinity of the abutment.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2-4 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy in view of De Anfrasio (USPN 5,638,584)

Tracy discloses a hook (10) comprising an end block of synthetic material; the end block having a passage with an abutment; and the hook being characterized in that it includes a metal reinforcement (20) having one end curved into a upside down J-shape and having its other end bent so as to be situated in a plane perpendicular to a plane of the J-shape (Figure 4) and having a ring (22) constituting an annular metal insert that is embedded in the block, the annular metal insert has an axis passing through a top portion of the upside down J-shape. Tracy discloses that the hook is made from a flat metal stamping but he fails to disclose that the reinforcement is flat metal wire, the end block has lateral recesses and projections and a fixed tilting safety tongue and the free end has extra injected material. De Anfrasio discloses a hook (10)

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comprising an end block of synthetic material (3a) shaped with lateral recesses (3a1-3a2) and projections (3a3-3a4) to make the hook easier to hold in the hand, the hook is fixed to a cable when the block receives an end of the cable (C), the hook is characterized by a metal reinforcement constituted by a rigid flat wire (C. 1, L. 47-52) having one end curved into an upside-down J-shape and other end bent and situated in a plane perpendicular to a plane of the J-shape and curved into a ring to constitute an annular metal insert, the hook being characterized for having the insert embedded in the block (Figures 3 and 6), a free end of the hook is coated with extra injection material (Figure 3), the block presents a tilting safety tongue fixed to the block and suitable for bearing against an inside of the free end of the hook (Figure 9), and the hook is fixed to a cable embedded into the block and the end of the cable is folded back into itself and crimped by means of a clip. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the hook disclosed by Tracy and modify the reinforcement from flat metal stamping to flat rigid wire according to the teaching of De Anfrasio in order to avoid additional processing required for flat metal stamping (C. 4, L. 5-19) since both reinforced hooks utilize a combination of metal with synthetic material and thus can be considered at equivalents. It also would have been obvious to one having ordinary skill in the art at the time of invention to modify the end block of the hook disclosed by Tracy by adding lateral recesses and projections and a tilting safety tongue fixed to the end block as taught by De Anfrasio in order to obtain a better grip of the end block with the hand and provide further security of the hook to an engaged location. Finally, it also would have been obvious to one having ordinary skill

in the art at the time of the invention to modify the free end of the hook disclosed by Tracy with extra injection material according to the teachings of De Anfrasio in order to provide additional protection to the free end specially if a safety tongue is going to be bearing against the inside of the free end.

11. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy in view of Einhorn (USPN 4,010,744)

Tracy discloses a hook comprising an end block of synthetic material; the end block having a passage, the passage slidably receiving an end of a cable to be fixed to the hook, the passage having a taper which defines an abutment for stopping the end of the cable, the end of the cable is enlarged after it has passed through the passage and when traction is exerted on the cable tending to extract it from the passage; and the hook being characterized in that it includes a metal reinforcement with an annular metal insert that is embedded in the block. Tracy fails to disclose that the passage forms inlet and outlet ducts and a shoulder. Einhorn teaches a metal hook with a passage (31) that tapers and defines an abutment for stopping the end of a cable (Figures 1, 3, 5 and 7), the passage forms an inlet duct where a non-enlarged end of the cable is inserted into the hook, an outlet duct larger than the inlet duct and suitable for receiving an enlarged end of the cable and the passage forming a shoulder (82) at the junction of the two ducts to constitute the abutment for stopping the end of the cable when traction is exerted on the cable tending to extract the cable from the passage. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the hook disclosed by Tracy and modify the passage with inlet and outlet ducts and a

shoulder according to the teachings of Einhorn to simplify the way the cable is attached to the hook by only requiring a knot at the end of the cable since both hooks are considered art equivalents because the passage of both hooks directly receives the end of a cable resisting traction tending to extract the cable from the block. It also would have been obvious to one having ordinary skill at the time of the invention to position the annular metal insert surrounding the inlet duct in the vicinity of the junction with the outlet duct because the purpose of the annular metal insert is to help absorb the majority of the traction exerted by the cable that is concentrated around the junction of the two ducts.

12. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy in view of McIntire (USPN 5,383,259).

Tracy discloses a hook (10) comprising an end block of synthetic material; the end block having a passage, the passage slidably receiving an end of a cable to be fixed to the hook, the passage having a taper which defines an abutment for stopping the end of the cable, the end of the cable is enlarged after it has passed through the passage and when traction is exerted on the cable tending to extract it from the passage; and the hook being characterized in that an annular metal insert (22) is embedded in the end. Tracy fails to disclose that the cable inserted in the passage is folded back onto itself and crimped by means of a clip. McIntire teaches a metal hook with a base formed by several annular metal inserts (42) encircling a casing (80) of synthetic material having a passage that tapers and defines an abutment for stopping the end of a cable, the passage forms an inlet duct (85) where a non-enlarged end of

the cable is inserted into the hook, an outlet duct (84) larger than the inlet duct and suitable for receiving an enlarged end of the cable, and the passage forming a shoulder (82) at the junction of the two ducts to constitute the abutment for stopping the end of the cable when traction is exerted on the cable tending to extract the cable from the passage since the cable end that passes through the passage is folded back onto itself and crimped by means of a clip and the passage is shaped to receive a folded-back and crimped end of the cable, known as the enlarged end, against the abutment formed in the passage. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the hook disclosed by Tracy and modify the way the cable is attached to the hook using a passage with a shoulder and a folded-back and crimped end of the cable according to the teachings of McIntire since both hooks are consider art equivalents because the block end of the hook directly receives an end of a cable resisting traction tending to extract the cable from the block.

13. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy in view of Eihenhorn as applied to claims 5 above, and further in view of Wridge (USPN 2,487,085).

Wridge teaches a hook comprising a block end (14) having inlet and outlet ducts and a shoulder and an inlet edge of the inlet duct is rounded to avoid leaving any sharp edge which could injure the cable (C. 3, L. 19-25). It would have been obvious to one having ordinary skill in the art at the time the invention was made to take the hook made of synthetic material and a metal reinforcement as disclosed by Tracy and modify it to include inlet and outlet ducts and a shoulder for slidably receiving a folded end of a

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cable according to the teachings of Einhorn and further modify it by rounding the inlet edge of the inlet duct according to the teachings of Wridge because these hooks are designed to directly receive an end of the cable within the block of the hook and one having ordinary skill in the art will use the rounded inlet edge of the inlet duct to protect the cable.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Eisler is cited to show state of the art with respect to hooks made of injected synthetic material having a metal insert to reinforce the hook.

Esposito et al., Brody et al., Maillocheau and Lacore et al. are cited to show state of the art with respect to hook made of injected material. Lacore et al. is also cited for their use of crimping elements at the end of an elastic cable for stopping the cable end at an abutment of the hook.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (703) 308-1881. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (703) 308-3179.

Submissions of your responses by facsimile transmission are encouraged. Technology center 3620's facsimile number is (703) 305-3597. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will

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effectively increase the patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as PTO's mailroom processing and delivery time. For a complete list of correspondence **not** permitted by facsimile transmission, see MPEP § 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee that the applicant is paying by check **should not be** submitted by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP § 512). The following is an example of the format the certification might take:

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(Typed or printed name of person signing this certificate)

(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP § 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response has been transmitted by facsimile will cause further unnecessary

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delays in the processing of your application, duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1020.

RER
rcr

March 12, 2001

Ruth C. Rodriguez
Patent Examiner
Art Unit 3626


James R. Britain
Primary Examiner